

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BOARD FOR THE CONDEMNATION OF INSANITARY BUILDINGS

NOTICE OF SCHEDULED MEETING

The Board for the Condemnation of Insanitary Buildings will be holding a scheduled meeting on Wednesday, July 14, 2010 at 10:00 am.

The meeting will be held at 1100 Fourth Street, SW, Room 4302, Washington, D.C. 20024. The location is on the Metro Green Line, at the Waterfront/SEU stop. Limited paid parking is available on site.

Draft board meeting agendas are available on the website of the Department of Consumer and Regulatory Affairs at dcra.dc.gov, by clicking on the "Board for the Condemnation of Insanitary Buildings" tab on the main page.

For inquiries, please call the Board for the Condemnation of Insanitary Buildings at 202-442-4332 or send an email to vacantproperty@dc.gov.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS**CONSTRUCTION CODES COORDINATING BOARD****NOTICE OF SCHEDULED MEETING**

The Construction Codes Coordinating Board will be holding a scheduled meeting on Thursday, July 15, 2010 at 10:00 am.

The meeting will be held at 1100 Fourth Street, SW, 5th Floor, Washington, D.C. 20024. The location is on the Metro Green Line, at the Waterfront/SEU stop. Limited paid parking is available on site.

Draft board meeting agendas are available on the website of the Department of Consumer and Regulatory Affairs at dcra.dc.gov, by clicking on the "Construction Codes Coordinating Board (CCCB)" tab on the main page.

The meeting schedules for the Construction Codes Coordinating Board's subcommittees, the Technical Advisory Groups, are also posted on the DCRA website at the same address and link noted above.

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
BUSINESS AND PROFESSIONAL LICENSING ADMINISTRATION**

SCHEDULED MEETINGS OF BOARDS AND COMMISSIONS

July 2010

CONTACT PERSON	BOARDS AND COMMISSIONS	DATE	TIME/ LOCATION
John McFarland	Board of Accountancy	15	8:30 am-12:00pm
Leon Lewis	Board of Appraisers	21	10:00 am-12:00 pm
Leon Lewis	Board Architects and Interior Designers	16	9:00 am-1:00 pm
Sheldon Brown	Board of Barber and Cosmetology	12	10:00 am-4:00 pm
Sheldon Brown	Boxing and Wrestling Commission	RECESS	7:00-pm-9:00 pm
Sheldon Brown	Board of Funeral Directors	8	1:30 pm-5:00 pm
John McFarland	Board of Professional Engineering	22	9:30 am-1:30 pm
Leon Lewis	Real Estate Commission	13	10:30 am-12:30 pm
Pamela Peters	Board of Industrial Trades	20	1:00 pm-5:00 pm
	Asbestos Electrical Plumbing Refrigeration/Air Conditioning Steam and Other Operating Engineers		

Dates and times are subject to change. All meetings are held at 1100 4th Street, SW, Suite E-390 A-B, Washington, DC 20024.

For further information on this schedule, please contact the front desk at 202-442-4320.

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PUBLIC INTEREST

The following is a listing of raze permit applications filed with the Permit Operations Division of the Department of Consumer and Regulatory Affairs:

Application Date	Address	Lot	Square	Use
June 8, 2010	1127 46th Street, SE	832	5361	2-story brick single family development
June 11, 2010	4952 Blaine Street, NE	0001	5189 N	1-story single family development
June 14, 2010	1725 Varnum Street, NW	52	2647	1-story garage
June 18, 2010	2028 G Street, NW	14	103	3-story single family development
June 18, 2010	2034 G Street, NW	809	103	2 ½ story brick dormitory
June 21, 2010	3031 7th Street, NE	21	3644	2-story single family development

For further information, please contact Mr. Tyrone Thomas at the Permit Operations Division via email at Tyrone.Thomas2@dcra.gov or Mr. Bellur Ravishankar, Manager of the Permit Center, at (202) 442-4562.

EAGLE ACADEMY PUBLIC CHARTER SCHOOL**REQUEST FOR PROPOSALS****Renovation of Charter School Facility**

Eagle Academy Public Charter School, in accordance with section 2204(c) of the District of Columbia School Reform Act of 1995, solicits proposals to renovate specific aspects of a small building that includes electrical, plumbing, a wall, and other related air flow issues.

Providers must state their credentials and provide appropriate references. To receive a bid packet, please contact MBC Precision Imaging at either (240) 497-1001, or bethesda@mbcpi.com to order sets. The sets are referenced as "Eagle at New Jersey Avenue." Bids must be broken down by standard divisions, with General Conditions and Fee specified as well as markup on change orders. All bids must be received by July 16, 2010. Bids not providing the required information or submitted late will not be rejected.

Eagle Academy Public Charter School reserves the right to reject any and all bids at its sole discretion.

Bids must be sent to Joe M. Smith, Chief Financial Officer, Eagle Academy PCS 770 M Street, SE, Washington, DC 20003 or jsmith@eagleacademypcs.org.

All bids must be received by July 16, 2010 at 5:00 PM.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS**Final Notice of Polling Place Relocation**

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its June 16, 2010 meeting in relocating Precinct #102, Ward 7 Polling Place.

The public is advised that the voting area for Precinct #102 will be changed from:

**Marshall Heights Community Development Center
3939 Benning Road, N. E.
“Multi-Purpose Room”**

and moved to:

**Benning Public Library
3935 Benning Road, N.E.
“Meeting Room”**

Please note that the relocation will be effective beginning with the upcoming September 14, 2010 Mayoral Primary Election. All registered voters in the precinct will be individually notified of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Final Notice of Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its June 16, 2010 meeting in relocating Precinct #107, Ward 7 Polling Place.

The public is advised that the voting area for Precinct #107 will be changed from:

**Our Lady Queen of Peace Church
3640 Ely Place, S.E.
“Church Hall”**

and moved to:

**Sousa Middle School
3650 Ely Place, S.E.
“Cafeteria”**

Please note that the relocation will be effective beginning with the upcoming September 14, 2010 Mayoral Primary Election. All registered voters in the precinct will be individually notified of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Final Notice of Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its June 16, 2010 meeting in relocating Precinct #112, Ward 7 Polling Place.

The public is advised that the voting area for Precinct #112 will be changed from:

**Garden Memorial Presbyterian Church
1720 Minnesota Avenue, S.E.
“Meeting Room”**

and moved to:

**Anacostia Public Library
1800 Good Hope Road, S.E.
“Meeting Room”**

Please note that the relocation will be effective beginning with the upcoming September 14, 2010 Mayoral Primary Election. All registered voters in the precinct will be individually notified of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS

Final Notice of Polling Place Relocation

The Board of Elections and Ethics hereby gives public notice, in accordance with D.C. Official Code §1-309.10, of final action taken at its June 16, 2010 meeting in relocating Precinct #124, Ward 8 Polling Place.

The public is advised that the voting area for Precinct #124 will be changed from:

**Washington Highlands Library
115 Atlantic Street, S.W.
“Meeting Room”**

and moved to:

**Covenant Baptist Church
3845 South Capitol Street, S.W.
“Church Hall”**

Please note that the relocation will be effective beginning with the upcoming September 14, 2010 Mayoral Primary Election. All registered voters in the precinct will be individually notified of this change.

For further information, members of the public may contact the Board of Elections and Ethics at 727-2525.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located 1200 First Street, NE, 5th Floor, Washington, D.C., intends to issue a permit to operate one down draft (Spray Paint Booth #1) and one semi-downdraft (Spray Paint Booth #2) automotive paint booth at Signature Collision Centers, LLC located at 1323 E Street, SE, Washington DC 20003.

The applications to operate and the draft permits are all available for public inspection at AQD and copies may be made available between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street, NE, 5th Floor
Washington, DC 20002

No written comments postmarked after August 2, 2010 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 1200 First Street, NE, Washington, DC, intends to issue a permit (#6355) to operate one (1) 750 kW emergency generator to the Architect of the Capitol. The generator will be located at the House Side of the United State Capitol Building, Washington, DC.

The application to operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street, NE, 5th Floor
Washington, DC 20002

No written comments postmarked after August 2, 2010 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT

FISCAL YEAR 2010

PUBLIC NOTICE

Notice is hereby given that, pursuant to 40 C.F.R. Part 51.161, and D.C. Official Code §2-505, the Air Quality Division (AQD) of the District Department of the Environment (DDOE) located at 1200 First Street, NE, Washington, DC, intends to issue a permit (#6354) to operate one (1) 750 kW emergency generator to the Architect of the Capitol. The generator, designated as generator B, will be located at the U.S. Supreme Court Building at One First Street, NE, Washington, DC.

The application to operate the generator and the draft permit are all available for public inspection at AQD and copies may be made between the hours of 8:15 A.M. and 4:45 P.M. Monday through Friday. Interested parties wishing to view these documents should provide their names, addresses, telephone numbers and affiliation, if any, to Stephen S. Ours at (202) 535-1747.

Interested persons may submit written comments within 30 days of publication of this notice. The written comments must also include the person's name, telephone number, affiliation, if any, mailing address and a statement outlining the air quality issues in dispute and any facts underscoring those air quality issues. All relevant comments will be considered in issuing the final permit.

Comments should be addressed to:

Stephen S. Ours, P.E.
Chief, Permitting and Enforcement Branch
Air Quality Division
District Department of the Environment
1200 First Street, NE, 5th Floor
Washington, DC 20002

No written comments postmarked after August 2, 2010 will be accepted.

For more information, please contact Stephen S. Ours at (202) 535-1747.

DISTRICT DEPARTMENT OF THE ENVIRONMENT**REQUEST FOR PROPOSALS****Clean and Affordable Energy Act of 2008 - Sustainable Energy Utility Contractor**

Issuance Date:	Friday, July 2, 2010
Pre-Proposal Conference:	9:30 – 12:30, Monday, July 19, 2010
Application Proposals Due in Physical Possession of the DDOE:	by 5:00 p.m., Wednesday, September 1, 2010
Place of Performance:	District of Columbia
Performance Period:	One-year base period, renewable annually thereafter for six more years
Contact:	Taresa Lawrence District Department of the Environment 1200 First Street, NE, 5 th floor Washington, DC 20002 (202) 535-2600

Verbal explanations, interpretations or instructions provided by DDOE staff before the contract is awarded will not be binding. Any information provided to any prospective applicant concerning this Request for Proposals (“RFP”) will be furnished to all prospective applicants as an amendment to the RFP if such information is deemed necessary, or the lack of such information would be prejudicial to uninformed applicants.

BOARD OF REAL PROPERTY ASSESSMENTS AND APPEALS**NOTICE OF ADMINISTRATIVE MEETING**

Wednesday, July 21, 2010 at 11:00 a.m.
Room 220 (Office of Zoning Hearing Room)
441 4th Street NW
Washington, D.C. 20001

The District of Columbia Board of Real Property Assessments and Appeals will hold an administrative meeting on Wednesday, July 21, 2010 at 11:00 a.m.

Individual who wish to submit their comments as part of the official record should send copies of the written statements no later than 4:00 p.m., Monday, July 19, 2010 to:

Renee McPhatter, Administrative Officer
Board of Real Property Assessments and Appeals
441 4th Street NW, Suite 430S
Washington, D.C. 20001

OFFICE OF THE SECRETARY OF THE DISTRICT OF COLUMBIA**APPOINTMENTS OF NOTARIES PUBLIC**

Notice is hereby given that the following named persons have been newly appointed as Notaries Public in and for the District of Columbia, effective on or after July 15, 2010.

Comments on these appointments should be submitted, in writing, to Granville M. Woodson, Director, Office of Notary Commissions and Authentications, 441 4th Street, NW, Suite 810 South, Washington, D.C. 20001 within seven (7) days of the publication of this notice in the *D.C. Register* on April 22, 2010. Additional copies of this list are available at the above address or the website of the Office of the Secretary at www.os.dc.gov.

**D.C. Office of the Secretary
Appointments of Notaries Public****Effective: July 15, 2010
Page 2**

Adams	Joyce C.	Mentrotone Baptist Church, Incorporated 5126 B Street, SE	20019
Aguado	Dora M.	Law Office of Dora Aguado 1629 K Street NW, Suite 300	20006
Alexander	Sharon J.	American Federation of State, County and Municipal Employees International Union (AFSCME) 1625 L Street, NW	20036
Barrett	Angela R.	Duncan, Weinberg, Genzer & Pembroke, P.C. 1615 M Street, NW, Suite 800	20036
Barry, Jr.	John McDowell	Keller Williams Capitol Properties 801 D Street, NE	20002
Benzer	Linda M.	International Brotherhood of Teamsters 25 Louisiana Avenue, NW	20001
Berey	Nicole	SunTrust Bank 3301 New Mexico Avenue, NW	20016
Bing	Mildred	Greater Good Samaritan Baptist Church 5100 E Street, SE	20019
Boley	Peggy A.	Unity Health Care, Incorporated 1220 12th Street, SE. Suite 120	20003
Breedlove	Alesha	American International Health Alliance (AIHA) 1250 Eye Street, NW, Suite 350	20005
Broussard	Shari R.	Capital Reporting Company 1821 Jefferson Place, NW	20036
Brown	April L.	834 Oglethorpe Street, NE	20011
Burroughs	Sherry L.	Naviance, Incorporated 1850 K Street, NW	20006

**D.C. Office of the Secretary
Appointments of Notaries Public****Effective: July 15, 2010
Page 3**

Canotti	Jessica A.	5921 2nd Place, NW	20011
Clay	Suzanne R.	PRTM Management Consultants, Incorporated 1750 Pennsylvania Avenue, NW, Suite 1000	20006
Conley	Paula	Quadrangle Development Corporation 1001 G Street, NW, Suite 700W	20001
Dann	Lori	Security Storage Company 1701 Florida Avenue, NW	20009
Duppstadt	Heidi Marie	Edwards, Angell, Palmer and Dodge, LLP 1875 Eye Street, NW	20006
Evans	Onetia J.	U.S. Department of Labor (F.E.E.W.C.) 200 Constitution Avenue, NW	20210
Fowlkes, Jr.	Earl D.	DC CARE Consortium 1112 16th Street, NW, Suite 400	20036
Fraser	Kendra	US Chamber of Commerce 1615 H Street, NW	20062
Geoffrey	Putnam	Concerned Women for America 1015 15th Street, NW, Suite 1100	20005
Goodman	Donald L.	2445 18th Street, NW	20009
Hall	Yvette LaFre	Federal Mediation and Conciliation Service 2100 K Street, NW	20427
Hambrook	Alexandra	Inter-American Investment Corporation 1350 New York Avenue, NW	20577
Harrington	M. Camille	Barnes Vanze Architects, Inc. 1000 Potomac Street, NW, Suite L02	20007

**D.C. Office of the Secretary
Appointments of Notaries Public**
Effective: July 15, 2010
Page 4

Hubbard	Tshombe A.	Planned Parenthood Federation of America 1110 Vermont Avenue, NW, Suite 300	20005
Hughes	Maya A.	Louis Dreyfus Property Group 1101 New York Avenue, NW, Suite 909	20005
Jablonsky	Jan	Diversified Reporting Services, Incorporated 1101 16th Street, NW, 2nd Floor	20036
Jacob	Tanisha L.	Housing Assistance Council 1025 Vermont Avenue, Suite 606	20005
Jamison	Priscilla S.	Federal Trade Commission 600 Pennsylvania Avenue, NW	20580
Jeffries	Donna Ann	Snively King Majoros O'Connor & Bedell, Incorporated 1111 14th Street, NW, Suite 300	20005
Joof	Oumie	America Votes 1401 New York Avenue, NW	20005
Kaneshiro-Miller	Patricia A.	Merrill LAD Reporting 1325 G Street, NW, Suite 200	20005
Kingwood	Sheila G.	1114 Staples Street, NE	20002
Knapp	Pamela	The Fairmont, Washington, DC 2401 M Street, NW	20037
Koffman	Peter Maxwell	Bank-Fund Staff Federal Credit Union 1750 H Street, NW, Suite 300	20006
Kronstadt	Nancy A.	Squire, Sanders & Dempsey 1201 Pennsylvania Avenue, NW	20004
Kuszmaul	Joshua Pete	Wachovia Bank 2901 M Street, NW	20007
Li	Suzhi	Oasis International Travel Corp 2201 Wisconsin Avenue, NW, Suite 333	20007

**D.C. Office of the Secretary
Appointments of Notaries Public****Effective: July 15, 2010
Page 5**

Mashack	Remeca	2212 16th Street, SE	20020
Massengale	Jack	Stokes & Associates 1712 I Street, NW, Suite D15	20006
McGovern, Jr.	Philip J.	Akridge 601 13th Street, NW, Suite 300N	20005
McKee	Mary Margaret	US Chamber of Commerce 1615 H Street, NW	20062
McKenzie	Tasha M.	Washington Hospital Center 211 Irving Street, NW	20010
Morris	Velma D.	American Petroleum Institute 1220 L Street, NW	20005
Morrow	Adrienne	SIRIUS XM Radio Incorporated 1500 Eckington Place, NE	20002
Mouton	Natasha L.	TD Bank 1753 Connecticut Avenue, NW	20009
Nam	Julien H.	Greenstein DeLorme & Luchs 1620 L Street, NW, Suite 900	20036
Ochoa	Miriam E.	D & S Accounting and Tax Services 3105 Mt. Pleasant Street, SW	20010
Paige	Solomon Wills	DC Child & Family Services Agency 400 6th Street, SW	20024
Patterson	Tara	Children's National Medical Center 111 Michigan Avenue, NW	20010
Phipps	Franchesca	Higher Achievement Program 1701 K Street, NW, Suite 1000	20006
Price	Annette	Armed Forces Retirement Home 3700 North Capitol Street, NW	20010

**D.C. Office of the Secretary
Appointments of Notaries Public**
Effective: July 15, 2010
Page 6

Robinson	Barry D.	Chevy Chase Bank 1800 M Street, NW	20036
Royal	Terry	Supreme Court of the United States 1 First Street, NE	20543
Ryan	Dana C.	L.A.D. Reporting Company 1325 G Street, NW, 2nd Floor	20005
Shutters	Justin	SunTrust Bank 1855 Wisconsin Avenue, NW	20016
Sorgi	Anthony	Lawrence Executive Alliance of Professionals 1111 23rd Street, NW, Suite 2G	20037
Spence-Harrison	Michelle	DC Child & Family Services Agency 400 6th Street, SW	20024
Sumpter	Anna L.	Houses4U Management Services, Inc. 1519 Pennsylvania Avenue, SE	20003
Thorne	R.J.	The Tenacity Group 2008 Hillyer Place, NW	20009
Thrall	Jocelyn Keely	Episcopal Diocese of Washington Episcopal Church House, Mount St. Alban	20016
Wilcox	Sheryl L.	Diocese of Washington Episcopal Church House, Mount Saint Alban	20016
Wilson	Julie A.	Lewis & Tompkins, P.C. 927 15th Street, NW, 9th Floor	20005
Yee	Nancy	North American Title Company 5301 Wisconsin Avenue, NW, Suite 100	20015
Zhang	Jiwei	MEI & MARK, LLP 1050 Connecticut Avenue, NW, 10th Floor	20036

THURGOOD MARSHALL ACADEMY PUBLIC CHARTER SCHOOL**INVITATION TO BID**

The Thurgood Marshall Academy Public Charter High School will receive bids until July 16, 2010 at 4:30 pm.

Thurgood Marshall Academy is advertising the opportunity to bid on the delivery of breakfast and lunch meals to children enrolled at the school for the 2010-2011 school year with a possible extension of (4) one year renewals. All meals must meet at a minimum, but are not restricted to, the USDA National School Breakfast and Lunch meal pattern requirements. Additional specifications outlined in the Invitation for Bid (IFB) such as student data, days of service, meal quality, etc. may be obtained from: Nora Moore, Assistant Director of Operations at Thurgood Marshall Academy PCHS, 2427 Martin Luther King Jr. Avenue, SE, Washington, DC 20020. **All bids not addressing all areas outlined in the IFB will not be considered.**

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17679-A of Jemal's TP Land and LLC, pursuant to 11 DCMR §3104.1, for special exceptions under sections 353 and 2516, and under section 411 regarding roof structures, to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District at premises 6923-6953 Maple Street, N.W. and 6916-6926 Willow Street, N.W. (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840 and 843).

HEARING DATE (Orig. Application): November 13, 2007
DECISION DATES (Orig. Application): January 8, 2008 and February 5, 2008
FINAL ORDER ISSUANCE DATE: April 23, 2008
MOTION TO EXTEND DECISION DATE: June 22, 2010

**ORDER ON MOTION TO EXTEND
THE VALIDITY OF BZA ORDER NO. 17679**

The Underlying BZA Order

On January 8 and February 5, 2008, the Board of Zoning Adjustment (the "Board" or "BZA") approved the Applicant's request for special exceptions under §§ 353 and 2516, and under § 411 regarding roof structures to permit the construction of a new residential development (two multiple dwellings, each containing 38 dwelling units) in the R-5-A District. Thus, pursuant to 11 DCMR § 3104.1, the Board granted special exceptions under §§ 353 and 2516 which authorizes exceptions to building lot control in residence districts to permit the construction of a new residential development in the R-5-A District at premises 6923-6953 Maple Street, N.W. and 6916-6926 Willow Street, N.W. (Square 3357, Lots 26, 27, 28, 29, 40, 808, 811, 814, 815, 818, 819, 820, 824, 825, 840 and 843). The Order was issued April 23, 2008. (BZA Order 17679).

Under the Order, and pursuant to § 3130.1 of the Zoning Regulations, the Order was valid for two years from the time it was issued – until April 23, 2010.

Section 3130.1¹ states:

¹ Section 3130.1 was amended by the addition of the phrase "except as permitted in § 3130.6" by the Zoning Commission in Z.C. Case No. 09-01. The amendment became effective on June 5, 2009.

BZA APPLICATION NO. 17679-A

PAGE NO. 2

No order [of the Board] authorizing the erection or alteration of a structure shall be valid for a period longer than two (2) years, or one (1) year for an Electronic Equipment Facility (EEF), unless within such period, the plans for the erection or alteration are filed for the purposes of securing a building permit, except as permitted in § 3130.6.

(11 DCMR § 3130.1).

Waiver of 30-day filing requirement pursuant to 11 DCMR § 3130.9

The Applicant first filed its request for a time extension on April 6, 2010, approximately three weeks prior to the expiration of Order No. 17679 on April 23, 2010. (Exhibit 48). At its special public meeting on May 11, 2010, the Board granted the Applicant permission to file supplemental information by May 18, 2010 and to address the waiver of the 30-day filing requirement, pursuant to § 3130.9. Subsection 3130.9 says: "A request for a time extension filed at least thirty (30) days prior to the date upon which an order is due to expire shall toll the expiration date for the sole purpose of allowing the Board to consider the request." 11 DCMR § 3130.9.

On May 17, 2010, the Applicant filed a letter with the Board, dated May 11, 2010, that contained a request to waive § 3130.9 of the Zoning Regulations to accept the Applicant's time extension motion that, with the supplemental information being filed, was completely filed less than 30 days prior to the expiration of the underlying order and to toll that order's expiration. (Exhibit 50). In its May 11, 2010 letter to the Board, the Applicant stated that due to dramatic reductions in staffing resulting from the weakened economy and its inability to timely verify key information relied upon in its affidavit supporting the extension request, the Applicant was unable to file its completed request for an extension at least 30 days prior to the order's expiration. The Applicant indicated that no one was prejudiced by the delay in filing. (Exhibit 50). At its June 22, 2010 meeting, the Board, by consensus, approved the waiver of the 30-day filing requirement.

Motion to Extend Time

On May 17, 2010, the Board received a letter from the Applicant, dated May 11, 2010, which included the April 6, 2010 letter and additional supporting documentation and which requested, pursuant to 11 DCMR § 3130.6,² a two-year extension in the authority granted in the underlying BZA Order, which was due to expire April 23, 2010. (Exhibit 50).

² Section 3130.6 was adopted by the Zoning Commission in Z.C. Case No. 09-01 and became effective on June 5, 2009.

BZA APPLICATION NO. 17679-A

PAGE NO. 3

The Applicant is requesting a two-year extension in the authority granted in the underlying BZA Order because, due to the deterioration of the real estate market in Washington, D.C., the frozen credit markets, and the continuing economic crisis these have caused, the Applicant has been unable to obtain the necessary financing commitment to begin the project, despite attempts to obtain financing for the project ever since the Board originally approved it. To meet its burden of proof, the Applicant provided a signed and notarized affidavit which indicated that the Applicant has diligently sought financing and attempted to move forward with development of the site since the time of the BZA's original approval. The Applicant noted that while the latest reports suggest that the multi-family housing sector may be starting to stabilize, the economy is not expected to rebound prior to the time when the underlying BZA Order was due to expire. (Exhibit 50, Exhibit B).

The Applicant filed a letter, dated May 13, 2010, with the Board which had been sent to the Chair of the Advisory Neighborhood Commission ("ANC") 4B, which is the affected ANC, and to the other party in the case, Mr. Jack Werner, notifying them of the Applicant's motion for a two-year time extension and sharing all the documentation in support of that motion with them. (Exhibit 50). There was no response to the Applicant's motion filed from any party in the case or the Office of Planning ("OP"). The project is within the boundaries of ANC 4B. ANC 4B did not file a report.

According to the Applicant, the reasons for its request to the Board to extend the time of the Order are because of its inability to secure financing for the project due to the prevailing unstable economic and real estate market conditions, both locally and nationally. The Applicant stated that it has aggressively pursued financing options for the project without success because of the continuing economic real estate crisis. The Applicant noted that while it was anticipated that the markets for existing residential products may begin to stabilize in future and the credit crunch for new multi-family construction may lessen, these improved conditions were not expected to occur prior to the expiration of the above-mentioned order. In addition, the Applicant indicated that the plans approved for the development of the site and other material facts are unchanged from those approved by the Board in its Order issued on April 23, 2008. The extension would allow the Applicant the necessary additional time in which to secure financing. Accordingly, the Applicant requested that, pursuant to § 3130.6 of the Regulations, the Board extend the validity of its prior Order for an additional two years, thereby allowing the Applicant additional time to secure financing and apply for a building permit.

Criteria for Evaluating Motion to Extend

BZA APPLICATION NO. 17679-A

PAGE NO. 4

The Zoning Commission adopted 11 DCMR § 3130.6 in Zoning Commission Case No. 09-01. The Section became effective on June 5, 2009.

Section 3130.6 of the Zoning Regulations states in full:

3130.6 The Board may grant one extension of the time periods in §§ 3130.1 for good cause shown upon the filing of a written request by the applicant before the expiration of the approval; provided, that the Board determines that the following requirements are met:

- (a) The extension request is served on all parties to the application by the applicant, and all parties are allowed thirty (30) days to respond;
- (b) There is no substantial change in any of the material facts upon which the Board based its original approval of the application that would undermine the Board's justification for approving the original application; and
- (c) The applicant demonstrates that there is good cause for such extension, with substantial evidence of one or more of the following criteria:
 - (1) An inability to obtain sufficient project financing due to economic and market conditions beyond the applicant's reasonable control;
 - (2) An inability to secure all required governmental agency approvals by the expiration date of the Board's order because of delays that are beyond the applicant's reasonable control; or
 - (3) The existence of pending litigation or such other condition, circumstance, or factor beyond the applicant's reasonable control.

(11 DCMR § 3130.6)

As discussed herein, pursuant to 11 DCMR § 3130.9, for a request for a time extension to toll the expiration date of the underlying order for the sole purpose of allowing the Board to consider the request, the motion must be filed at least 30

BZA APPLICATION NO. 17679-A

PAGE NO. 5

days prior to the date on which an order is due to expire. Although the Applicant filed its request with the supplemental information on May 17, 2010, which was less than the required 30-day period for tolling, the Applicant presented reasons, as described above, for its delay in filing its motion and the supporting documents. By consensus, pursuant to § 3100.5, the Board granted the Applicant's request for flexibility and tolled the effect of the underlying Order.

Also, the Board found that the Applicant has met the criteria set forth in § 3130.6. The motion for a time extension was served on all the parties to the application and those parties were given 30 days in which to respond under § 3130.6(a). The Applicant's inability to secure the necessary financing and the poor economic conditions in the District constitute the "good cause" required under § 3130.6(c)(1).

As required by § 3130.6(b), there is no substantial change in any of the material facts upon which the Board based its original approval. In requesting this extension of the Order, the Applicant's plans for development of the site would be unchanged from those approved by the Board in its Order dated April 23, 2008 (Exhibits No. 27 and 42 in the record). There have been no changes to the zone district classification applicable to the property or to the Comprehensive Plan affecting this site since the issuance of the Board's Order.

Neither the ANC nor any party to the application objected to an extension of the Order. The Board concludes that the extension of that relief is appropriate under the current circumstances.

Accordingly, pursuant to § 3130.6 of the Regulations, the Board hereby extends the validity of the underlying Order, for a period not to exceed two years from the current expiration date, thereby establishing a new expiration date of April 23, 2012.

Pursuant to 11 DCMR § 3101.6, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this request for extension of time be **GRANTED** until April 23, 2012.

VOTE ON WAIVER MOTION: 3-0-2 (Meridith H. Moldenhauer, Shane L. Dettman, Nicole C. Sorg, to approve; no other Board members participating, nor voting)

VOTE ON TIME EXTENSION MOTION: 4-0-1 (Shane L. Dettman, Meridith H. Moldenhauer, Nicole C. Sorg, Michael G. Turnbull (by absentee ballot) to approve; no other Board member (vacant) participating, nor voting)

BZA APPLICATION NO. 17679-A

PAGE NO. 6

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 29, 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 *ET SEQ.* (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 17963 of Euclid of Virginia, LLC, for a special exception pursuant to §§ 3104, 706 and 2302, to construct a new convenience store and self-service gasoline station at the premises located at 4975 South Dakota Avenue, N.E., in the C-1 Zone District (Square 3899, Lot 76).

HEARING DATE: September 22, 2009

DECISION DATES: November 11, 2009 and December 15, 2009

DECISION AND ORDER

On April 22, 2009, Euclid of Virginia, LLC, filed an application with the Board of Zoning Adjustment (the “Board”) for special exception relief to raze the existing convenience store, and build a new convenience store and self-service gasoline station at the property. Following a public hearing and decision meeting, the Board voted to approve the application.

PRELIMINARY MATTERS

Application

This application was filed by Euclid of Virginia, LLC, (“Euclid” or the “Applicant”), the developer, on behalf of the property owner, Koo Yuen Park. The original application sought relief under § 3104 (general special exception relief) and § 706 (special exception relief to establish a gasoline service station). (See, Application at Exhibit 1, and Narrative Statement at Exhibit 3). Pursuant to § 706.1, and at the suggestion of the Office of Planning (“OP”), the Applicant also demonstrated compliance with the standards set forth in § 2302 (additional criteria for gasoline service stations) (See, Supplemental Narrative Statement at Exhibit 22).

Authorization

The property owner authorized Michael Goss to appear before the Board as his agent during the proceedings. (Exhibit 5).

Self-Certification

The zoning relief requested in this case was self-certified pursuant to 11 DCMR § 3113.2 (Exhibit 4).

Notice of Application and Notice of Hearing

The application was filed on April 22, 2009. By memoranda dated June 24, 2009, the Office of Zoning notified the following agencies that the application had been filed: the D.C. Office of

BZA APPLICATION NO. 17963**PAGE NO. 2**

Planning (“OP”), Advisory Neighborhood Commission (“ANC”) 5A, the ANC for the area within which the subject property is located, and the D.C. Department of Transportation (DDOT). Pursuant to 11 DCMR 3113.3, notice of the hearing was sent to the Applicant, all entities owning property within 200 feet of the Applicant’s site, the ANC, OP and DDOT. The Applicant posted placards at the property regarding the application and public hearing and submitted an affidavit to the Board to this effect. (Exhibit 25).

ANC 5A

The subject site is located within the area served by ANC 5A, which is automatically a party to this application. The ANC filed three written reports with the Board.

(1) In its report dated September 17, 2009, ANC 5A indicated that at a regularly scheduled and legally noticed meeting on July 22, 2009, with a quorum present, the ANC voted to oppose the application. (Exhibit 26). The ANC indicated that it had several issues and concerns with the proposed project: (1) The community does not “need” another gasoline station and an existing station is three blocks away from the proposed site; (2) The site is too small for the proposed project and will result in temporary parking and idling on the street, causing traffic congestion and road hazards; (3) The gasoline station may cause environmental problems to the community; (4) The owners do not maintain their property and there are problems with loitering and trash at the site; (5) The proposed location is already congested due to the McDonald’s across the street and the existing gasoline station; (6) The community does not support a 24 hour convenience store; (7) The owners have not posted visible signs or notice for the proposed use of the property; and (8) The owners are not part of the community, do not live in the neighborhood, and are not participants in the ANC.

(2) In its report dated November 4, 2009¹ (following the public hearing), the ANC reiterated some of its previous concerns, with an emphasis on its concerns about traffic, safety, and congestion. The ANC also commented that it was waiting to receive a traffic study from the Applicant.

(3) In a report dated December 11, 2009², the ANC indicated that an emergency meeting held on December 7, 2009, with a quorum present, the ANC voted again to oppose the special exception. The ANC again noted its concerns regarding traffic and maintained that the traffic study submitted by the Applicant was flawed.

¹ The report indicates that after the Board’s public hearing, the ANC held additional meetings on September 23, October 5, and October 21. However, there is no indication whether these meetings were noticed in accordance with the law, or whether there was a quorum.

² The Board waived its rules to allow part of this report into the record. (The Board allowed only the first page and part of the second page of this report into the record. The remaining pages related to federal environmental standards and are beyond the Board’s jurisdiction.) The Board found that the ANC had good cause to submit a late filing, and that the Applicant was not prejudiced by the late filing because it had sufficient time to review the report and respond to it.

**BZA APPLICATION NO. 17963
PAGE NO. 3****Requests for Party Status**

There were no requests for party status.

Other Persons/Entities in Opposition/Support

No persons appeared in opposition or in support at the public hearing. However, the Board received letters in opposition from the North Michigan Park Civic Association (Exhibit 24) and nearby property owners residing at 5015 10th Street, N.E. (Exhibit 30), and 4936 11th Street, N.E. (Exhibit 27). Among other things, the persons in opposition stated that there was no “need” for a gasoline station at the site, noting the existence of another gasoline station in close proximity to the one which was proposed.

Government Reports

OP OP filed a report indicating that it recommended approval of the special exception, subject to certain specified conditions regarding the hours of operation, the lighting at the premises, and a proposed condition prohibiting an amplified exterior sound system. (Exhibit 23). In addition, OP’s representative, Arthur Jackson, participated in the public hearing, affirming the substance of the OP written report.

DDOT Report DDOT had not prepared a report at the time of the public hearing. However, Jeff Jennings (a DDOT representative) testified at the hearing and asserted that the proposed project would not result in congestion or in other objectionable traffic impacts. Specifically, Mr. Jennings opined that he did not believe there would be “cut through” trips through the neighborhood as a result of the proposed gasoline station. (T. p. 144 – 145). Mr. Jennings stated that his testimony was based upon communications with the Applicant and extrapolations from a traffic study at another location. This traffic study, the “Minnesota Avenue study”, had been submitted by the Applicant for the Minnesota Avenue corridor, a location with characteristics which are “very similar” to the South Dakota Avenue location of the subject property. (Transcript, BZA Hearing of September 22, 2009, (“T.”) p. 139). After the public hearing, and at the Board’s request, DDOT submitted a formal report. (Exhibit 31). In this report, DDOT recommended approval of the application, subject to certain specified conditions. The proposed conditions related to the hours for fuel delivery, the size of the delivery trucks, and a specific plan for ingress and egress to and from the site, including a condition which restricted the South Dakota Avenue curb cut to a right turn into the site.

FINDINGS OF FACT**The Site and Surrounding Area**

1. The site is located at 4975 South Dakota Avenue, N.E. in the C-1 Zone District. It is an irregularly shaped lot with frontage on Emerson Street, South Dakota Avenue, and Delafield Street, N.E.

BZA APPLICATION NO. 17963**PAGE NO. 4**

2. There are currently three existing curb cuts at the site, two at South Dakota Avenue and one at Emerson Street.
3. The site abuts a self-service gasoline station owned by BP Oil. Across the street from the site are a Chinese food restaurant, a McDonald's restaurant, a dry cleaning establishment, and a beauty parlor.
4. There is an existing convenience store at the site.
5. The site is separated from the neighboring residential district (R-2) by Delafield and Emerson Streets. There are semi-detached one-family dwellings to the north and west across Emerson Street and Delafield Street.

Proposed Project

6. The Applicant proposes to raze the existing convenience store and construct a new 1,800 square-foot building for a new convenience store and gasoline station. The gasoline station will have three pumps and a canopy over the pumps.
7. The Applicant made several refinements to the plans in response to comments from OP and DDOT. Both OP and DDOT suggested that Board approval be subject to specific conditions.
8. The Applicant provided traffic, queuing and truck maneuvering diagrams on revised plans submitted to the Board and reviewed by DDOT. The large area of the site provides for ample on-site vehicular circulation and safe pedestrian movement. The orientation of the three pump islands, all of which are parallel to South Dakota Avenue, will direct traffic away from the convenience store.
9. Subject to DDOT approval, the Applicant plans to eliminate one of the three existing curb cuts -- the one at South Dakota Avenue closest to the intersection. The two remaining curb cuts will be located at least 40 feet from the intersection of South Dakota Avenue and Delafield Street. One of the two remaining curb cuts -- the curb cut retained along South Dakota Avenue -- will allow only a right-turn onto the site.
10. Eight parking spaces will be provided on-site, two of which will be accessible to vehicles displaying the universal symbol of accessibility. There will also be bicycle parking.
11. The hours of operation will be limited to 6:00 a.m. to 10:00 p.m.
12. The lighting at the premises will be recessed and focused downward, so as not to cause any objectionable glares onto the surrounding residential properties.
13. The existing trash enclosure at the site will be enlarged, the premises will be kept clean and free of debris, and there will be no loitering at the premises.

BZA APPLICATION NO. 17963**PAGE NO. 5****The Zoning Relief Sought**

14. A convenience store is allowed in the C-1 district as a matter of right. However, a gasoline service station is subject to approval by the Board pursuant to § 706 of the Zoning Regulations.
15. Pursuant to § 706.1, a gasoline service station approved as a special exception is also subject to the provisions of Chapter 23 of the Zoning Regulations.

Impact of the Proposed Project

16. The proposed project will not add to traffic and congestion in the area, as patrons of the station will largely be drawn from vehicles already in the stream of traffic. The Board concludes that many of the vehicles entering the site will consist of “pass-by trips” -- they are on the road already -- and those vehicles will not contribute to additional traffic and congestion.
17. The exterior lighting at the site will be adequate for security and safety, yet will not be too intrusive to the residential properties around the site.

Compliance with Chapter 23 Requirements

18. The proposed project complies with all relevant provisions in Chapter 23 pertaining to gasoline stations.
 - The subject property is separated from the neighboring residential district by two streets, Delafield Street and Emerson Street. (§ 2302.2)
 - The vehicular entrance to the property on Delafield Street is separated from the residential district by Delafield Street. (§ 2302.3)
 - Neither of the two curb cuts is within 40 feet from the intersection of South Dakota Avenue and Delafield Street. (§ 2302.4).
 - No grease pits or hoists are associated with the proposed project. (§ 2302.5) (OP Report, p. 4 - 5).

CONCLUSIONS OF LAW

The Board is authorized under the Zoning Act of June 20, 1938 (52 Stat. 797, as amended, D.C. Code § 6-641.07(g)(2) (2001), to grant special exceptions as provided in the Zoning Regulations. The Applicant applied under 11 DCMR § 3104.1 for a special exception pursuant to 11 DCMR § 706 to establish a gasoline service station use.

BZA APPLICATION NO. 17963**PAGE NO. 6**

The Board can grant a special exception where, in its judgment, two general tests are met and the special conditions for the particular exception are met. First, the requested special exception must “be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps.” 11 DCMR § 3104.1. Second, it must “not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Zoning Map.” 11 DCMR § 3104.1.

The Board concludes that the gasoline station and convenience store will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps. A gasoline service use is permitted by special exception and there is nothing about this area or this proposed use that would result in disharmony.

Further, the Board finds that the proposed project, as conditioned, will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Maps. The Board agrees with DDOT and the Applicant’s traffic expert that no significant additional traffic will result from the use. As noted in Finding of Fact 16, the vast majority of customers will be in vehicles already on the road. Such traffic as does exist will easily access and egress the facility as a result of the conditions of this order mandating a 20-foot curb cut, specifying the direction of vehicles, limiting fuel delivery times, and regulation the size of delivery vehicles. The lighting will be pointed downward and the canopy lighting recessed. This will effectively avoid light spillage into adjacent areas. As to noise, the Board has included a condition prohibiting any external sound amplification system.

A gasoline station established after May 12, 1958, is permitted by special exception in the C-1 Zone District, provided certain specified conditions are met. Under § 706.1 of the Zoning Regulations, the Board may allow a gasoline station in the C-1 Zone, subject to the following provisions:

706.3 The station shall not be located within twenty five feet (25 ft.) of a Residence District unless separated from the Residence District by a street or alley. The subject property is separated from the neighboring R-2 district by Delafield and Emerson Streets.

706.4 The operation of the use shall not create dangerous or other objectionable traffic conditions. The subject property is in a heavily trafficked area. But as DDOT found and as detailed in the Findings of Fact, the proposed project, as conditioned, will not generate significant additional traffic. Nor will it result in any objectionable traffic conditions. (Finding of Fact 16). Moreover, the Applicant has made design changes which should improve the circulation and traffic flow in and out of the site. The revisions include, for example, the elimination of one curb cut, the restriction of one curb cut to a right turn entrance only, and limitations on the hours for fuel delivery and the size of fuel delivery trucks.

BZA APPLICATION NO. 17963**PAGE NO. 7**

706.6 Required parking spaces may be arranged so that all spaces are not accessible at all times. All parking spaces provided under this subsection shall be designed and operated so that sufficient access and maneuvering space is available to permit the parking and removal of any vehicles without moving any other vehicle onto public space. The building on the site will contain approximately 1,800 square feet of gross floor area. Therefore, it will require six parking spaces. Eight parking spaces will be provided and are designed to be accessible at all times.

Compliance with Chapter 23 provisions

Subsection 706.1 of the Regulations provides that a gasoline service station established after May 12, 1958 is also subject to the provisions of Chapter 23. As explained in the Findings of Fact, the proposed project complies with all relevant provisions in Chapter 23. Therefore, this condition has been met.

The ANC Issues and Concerns

The Board is required under § 3 of the Comprehensive Advisory Neighborhood Commissions Reform Act of 2000, effective June 27, 2000 (D.C. Law 13-135, D.C. Code § 1-309.10(d)(3)(A), to give “great weight” to the issues and concerns raised by the affected ANC. To give “great weight,” the Board must articulate with particularity and precision the reasons why the ANC does or does not offer persuasive advice under the circumstances, and make specific findings and conclusions with respect to each of the ANC’s issues and concerns. As will be explained below, the Board does not find the ANC’s advice to be persuasive.

The ANC’s primary concerns were potential problems with traffic and congestion. The Board had concerns regarding these issues as well. Ultimately, however, the Board agreed with the Applicant and found that the project would not result in adverse traffic conditions or additional congestion. Following the public hearing, the Board held the record open to receive additional information regarding traffic impacts. Thus, post-hearing submissions included a formal DDOT report and a traffic study performed by an expert traffic engineering firm.

While the ANC claimed that the traffic study was flawed, the ANC provided no evidence to that effect, and the Board found the traffic study to be persuasive. The Board does not believe that the study was flawed, as claimed by the ANC. While the Board does not agree with each and every assumption in the study, the Board finds that the study was thorough and was performed by an expert in the traffic engineering field. (T., December 15, 2009, p. 32 – 33)

Similarly, before the Board relied on Mr. Jennings’ opinion (the DDOT representative who testified in support of the application), the Board closely questioned him regarding his testimony and carefully scrutinized the DDOT report. The Board agrees with DDOT that this approval needs to be conditioned in order to mitigate potential traffic impacts and congestion. Therefore, this approval is conditioned upon the elimination of one curb cut, a right turn in and maximum

BZA APPLICATION NO. 17963**PAGE NO. 8**

size restriction at one of the curb cuts, a limitation on the truck size for trucks making fuel deliveries, and a limitation on the hours for fuel deliveries.

The other ANC concerns raised were as follows. The ANC claimed that the Applicant had not posted visible signs or public notices regarding the planned development. However, as detailed at the beginning of this Decision, the Applicant complied with the notice requirements under the Zoning Regulations. The ANC asserts that the site does not have “adequate square footage” for the proposed use. However, there are no minimum area requirements for this use in the C-1 Zone District, and the relevant special exception requirements have been met. The ANC raised concerns of possible environmental problems and problems with cleanliness and loitering at the site. Again, these claims were entirely speculative and unsupported by the evidence. Moreover, even if true, loitering and failure to maintain the site are enforcement issues which are beyond the purview of the Board. Finally, the ANC claimed that there is no “need” for another gasoline station since there is a station across the street; and, the property owners do not live in the neighborhood and are not participants in community events or the ANC. Neither of these concerns is relevant to the zoning criteria and will, therefore, not be given great weight. *Bakers Local Union No. 118 v. District of Columbia Bd. of Zoning Adjustment*, 437 A.2d 176 (D.C. 1981).

The OP Recommendations

The Board is also required under D.C. Official Code § 6-623.04 (2001) to give “great weight” to OP recommendations. For reasons explained in this Decision, the Board agrees with the recommendations contained in the OP report.

The Board concludes that the Applicant has satisfied the burden of proof with respect to the application for a special exception under § 706 to allow the construction of a gasoline service station and convenience store. The Board further concludes that, as hereinafter conditioned, the special exception can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map and that granting of the requested relief will not tend to adversely affect the use of neighboring property in accordance with the Zoning Regulations and Map.

It is therefore **ORDERED** that the application, pursuant to Exhibit No. 9 (plans), is hereby **GRANTED, SUBJECT** to the following **CONDITIONS**:

1. The hours of operation shall be limited to 6:00 a.m. to 10:00 p.m.
2. Flood lights at the property shall be angled downward and shuttered in order to avoid light spillage onto nearby residential properties.
3. Canopy lighting at the property shall be recessed.
4. There shall be no exterior amplified sound system at the property.

BZA APPLICATION NO. 17963**PAGE NO. 9**

5. Hours for fuel delivery shall be limited to 7:00 p.m. to 7:00 p.m.
6. Fuel deliveries shall be made with trucks that are no larger than 30 feet in length.
7. The South Dakota Avenue curb cut will be 20 feet wide and will be restricted to a right turn onto the property. All vehicles exiting the property will use the curb cut along Emerson Street. The Emerson Street curb cut will serve as a two directional vehicle access point.

VOTE: **4-0-1** (Marc D. Loud, Shane L. Dettman, Meridith H. Moldenhauer, and Peter G. May to Approve; No other Board member (vacant) participating)

Vote taken on December 15, 2009

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

A majority of the Board members approved the issuance of this Decision and Order.

FINAL DATE OF ORDER: June 29, 2010

UNDER 11 DCMR § 3125.9, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE FOR THE BOARD OF ZONING ADJUSTMENT."

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

PURSUANT TO 11 DCMR § 3205, FAILURE TO ABIDE BY THE CONDITIONS IN THIS ORDER, IN WHOLE OR IN PART, SHALL BE GROUNDS FOR THE REVOCATION OF ANY BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

BZA APPLICATION NO. 17963**PAGE NO. 10**

D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., 9 (ACT) THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, DISABILITY, SOURCE OF INCOME, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18073 of Teresa Saavedra, pursuant to 11 DCMR § 3104.1, for a special exception to allow additions to an existing one-family dwelling under section 223, not meeting the lot occupancy (section 403), rear yard (section 404), side yard (section 405.9), and court (section 406) requirements in the R-1-B District at premises 5232 Sherrier Place, N.W. (Square 1415, Lot 819).

HEARING DATE: June 22, 2010

DECISION DATE: June 22, 2010

SUMMARY ORDER

REVIEW BY THE ZONING ADMINISTRATOR'S OFFICE

The application was accompanied by a memorandum from the Zoning Administrator certifying the required relief.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 3D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 3D, which is automatically a party to this application. The ANC submitted a letter in support of the application. The Office of Planning (OP) submitted a timely report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223 (403, 404, 405.9, 406). No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223 (403, 404, 405.9, 406), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

BZA APPLICATION NO. 18073

PAGE NO. 2

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 9 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Nicole C. Sorg, Meridith H. Moldenhauer, Shane L. Dettman and Peter G. May to APPROVE. The third Mayoral appointee not present not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 24, 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF

BZA APPLICATION NO. 18073

PAGE NO. 3

AN INTRAFAMILY OFFENSE, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18076 of Susan Anderson and Michael Sims, pursuant to 11 DCMR §§ 3104.1 and 3103.2, for a special exception to construct an accessory garage with roof deck under section 223, not meeting the lot occupancy (section 403), and nonconforming structure (section 2001.3) requirements, and variances from the alley setback (section 2300.2(b)) requirements and the rear yard occupancy (section 2500.3) requirements in the R-4 District at premises 1814 Park Road, N.W. (Square 2606, Lot 69).

HEARING DATE: June 22, 2010

DECISION DATE: June 22, 2010

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 1D, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 1D, which is automatically a party to this application. The ANC submitted a letter in support of the application. The Office of Planning (OP) submitted a timely report recommending approval of the application.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223 (403 and 2001.3). No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

As further directed by 11 DCMR § 3119.2, the Board has required the Applicant to also satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3103.2, from the variance requirements of sections 2300.2(b), and 2500.3.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1, 223 (403 and 2001.3), 3103.2, 2300.2(b) and 2500.3, the

BZA APPLICATION NO. 18076

PAGE NO. 2

requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 12 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Nicole C. Sorg, Peter G. May, Meridith H. Moldenhauer and Shane L. Dettman to APPROVE. The third Mayoral appointee not present not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 24, 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR

BZA APPLICATION NO. 18076

PAGE NO. 3

PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE, MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT**

Application No. 18077 of David Kammerer and Kris Thompson, pursuant to 11 DCMR §§ 3104.1 and 1202.1, for a special exception to construct a rear addition to an existing one-family semi-detached dwelling under section 223, not meeting the lot occupancy (section 403), side yard (section 405) and nonconforming structure (subsection 2001.3) requirements, in the CAP/R-4 District, at premises 119 C Street, S.E. (Square 990, Lot 807).

HEARING DATE: June 22, 2010

DECISION DATE: June 22, 2010

SUMMARY ORDER

SELF-CERTIFIED

The zoning relief requested in this case was self-certified, pursuant to 11 DCMR § 3113.2.

The Board provided proper and timely notice of the public hearing on this application by publication in the *D.C. Register* and by mail to Advisory Neighborhood Commission (ANC) 6B, and to owners of property within 200 feet of the site. The site of this application is located within the jurisdiction of ANC 6B, which is automatically a party to this application. The ANC submitted a letter in support of the application. The Office of Planning (OP) submitted a timely report recommending approval of the application. The Architect of the Capitol submitted a letter stating, in part, that the application is not inconsistent with the intent of the CAP/R-4 District and not inconsistent with the goals and mandates of the United States Congress.

As directed by 11 DCMR § 3119.2, the Board has required the Applicant to satisfy the burden of proving the elements that are necessary to establish the case pursuant to § 3104.1, for special exception under section 223 (403, 405). No parties appeared at the public hearing in opposition to this application. Accordingly, a decision by the Board to grant this application would not be adverse to any party.

Based upon the record before the Board and having given great weight to the ANC and OP reports, the Board concludes that the Applicant has met the burden of proof, pursuant to 11 DCMR §§ 3104.1 and 223 (403, 405), that the requested relief can be granted as being in harmony with the general purpose and intent of the Zoning Regulations and

BZA APPLICATION NO. 18077

PAGE NO. 2

Map. The Board further concludes that granting the requested relief will not tend to affect adversely the use of neighboring property in accordance with the Zoning Regulations and Map.

Pursuant to 11 DCMR § 3100.5, the Board has determined to waive the requirement of 11 DCMR § 3125.3, that the order of the Board be accompanied by findings of fact and conclusions of law. It is therefore **ORDERED** that this application (pursuant to Exhibit 6 – Plans) be **GRANTED**.

VOTE: **4-0-1** (Nicole C. Sorg, Peter G. May, Meridith H. Moldenhauer and Shane L. Dettman to APPROVE. The third Mayoral appointee not present not voting)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

The majority of the Board members approved the issuance of this order.

FINAL DATE OF ORDER: June 24, 2010

PURSUANT TO 11 DCMR § 3125.9, NO ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN (10) DAYS AFTER IT BECOMES FINAL PURSUANT TO § 3125.6.

PURSUANT TO 11 DCMR § 3130, THIS ORDER SHALL NOT BE VALID FOR MORE THAN TWO YEARS AFTER IT BECOMES EFFECTIVE UNLESS, WITHIN SUCH TWO-YEAR PERIOD, THE APPLICANT FILES PLANS FOR THE PROPOSED STRUCTURE WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS FOR THE PURPOSES OF SECURING A BUILDING PERMIT.

PURSUANT TO 11 DCMR § 3125, APPROVAL OF AN APPLICATION SHALL INCLUDE APPROVAL OF THE PLANS SUBMITTED WITH THE APPLICATION FOR THE CONSTRUCTION OF A BUILDING OR STRUCTURE (OR ADDITION THERETO) OR THE RENOVATION OR ALTERATION OF AN EXISTING BUILDING OR STRUCTURE, UNLESS THE BOARD ORDERS OTHERWISE. AN APPLICANT SHALL CARRY OUT THE CONSTRUCTION, RENOVATION, OR ALTERATION ONLY IN ACCORDANCE WITH THE PLANS APPROVED BY THE BOARD.

IN ACCORDANCE WITH THE D.C. HUMAN RIGHTS ACT OF 1977, AS AMENDED, D.C. OFFICIAL CODE § 2-1401.01 ET SEQ., (ACT), THE DISTRICT OF COLUMBIA DOES NOT DISCRIMINATE ON THE BASIS OF ACTUAL OR PERCEIVED: RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE,

BZA APPLICATION NO. 18077

PAGE NO. 3

MARITAL STATUS, PERSONAL APPEARANCE, SEXUAL ORIENTATION, GENDER IDENTITY OR EXPRESSION, FAMILIAL STATUS, FAMILY RESPONSIBILITIES, MATRICULATION, POLITICAL AFFILIATION, GENETIC INFORMATION, DISABILITY, SOURCE OF INCOME, STATUS AS A VICTIM OF AN INTRAFAMILY OFFENSE, OR PLACE OF RESIDENCE OR BUSINESS. SEXUAL HARASSMENT IS A FORM OF SEX DISCRIMINATION WHICH IS ALSO PROHIBITED BY THE ACT. IN ADDITION, HARASSMENT BASED ON ANY OF THE ABOVE PROTECTED CATEGORIES IS ALSO PROHIBITED BY THE ACT. DISCRIMINATION IN VIOLATION OF THE ACT WILL NOT BE TOLERATED. VIOLATORS WILL BE SUBJECT TO DISCIPLINARY ACTION. THE FAILURE OR REFUSAL OF THE APPLICANT TO COMPLY SHALL FURNISH GROUNDS FOR THE DENIAL OR, IF ISSUED, REVOCATION OF ANY BUILDING PERMITS OR CERTIFICATES OF OCCUPANCY ISSUED PURSUANT TO THIS ORDER.